

Appln No. 09/778,992

Amdt date March 3, 2004

Reply to Office action of November 3, 2003

REMARKS/ARGUMENTS

Claims 8-22 are pending in this application, claims 1-7 are cancelled and new claims 8-22 have been added. Claims 1-7 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. In view of the above-mentioned amendments, it is respectfully requested that the rejections be withdrawn.

Claims 1, 2 and 7 are rejected 35 U.S.C. § 102 (e) as being anticipated by Bala et al. 5,272,154; claims 3 and 4 are rejected 35 U.S.C. § 103 (a) as being obvious over Bala et al. in view of Johnston, Jr. 6,101,204; claim 5 is rejected 35 U.S.C. § 103 (a) as obvious over Bala et al. in view of Wang et al. 6,556,352. Applicant submits that all of the claims currently pending in this application are patentably distinguishable over the cited references, and reconsideration and allowance of this application are respectfully requested.

Independent claim 8 includes, among other limitations, "said data and clock recovery circuit recovering data streamed at multiple different clock rates and multiple different protocols."

Bala does not teach or suggest the above limitation. Bala discloses network elements for use in a multiwavelength optical network. "The network elements function at any desired data rate such as SONET OC-3, OC-12, OC-48 ..." (Col. 3, lines 15-16). The network elements of Bala include a clock and data recovery (CDR) circuitry. (Element 254 in FIG. 2). "The CDR circuitry 254 may be programmable for flexibility of operation. For

Appln No. 09/778,992

Amdt date March 3, 2004

Reply to Office action of November 3, 2003

example, the CDR circuitry 254 may perform clock and data recovery functions for signals at OC-48, OC-12, or OC-3 data rates. For SONET OC-48 signals, the CDR circuitry 254 may also monitor the J0 and B1 bytes of the SONET overhead data, both before and after the cross-connect, providing information on the identity and bit error rate (BER) of each such signal, and confirming the operation of the cross-connect." (Col. 6, lines 38-46, emphasis added.). However, although Bala discloses different data rates (within SONET), Applicant is unable to find any disclosure in Bala that teaches or suggests "recovering data streamed at . . . multiple different protocols." In deed, none of the cited references, alone or in combination teach or suggest the above limitation recited by independent claims 8. Therefore, independent claim 8 is patentable over cited references.

Independent claims 17, and 19 include, among other limitations, "a plurality of electronic to optical (EO) interface units at said plurality of output ports, each EO interface unit comprising: a first port for receiving a respective externally generated laser signal, a modulator for modulating the respective received laser signal, and a second port for passing the respective modulated laser signal to an external multiplexer for forming a combined optical data stream output." Support for new claims 17 and 19 is provided throughout the specification as originally filed, for example, on pages 7, lines 9 to page 8, line 15, with reference to FIGs. 3 and 4.



Appln No. 09/778,992

Amdt date March 3, 2004

Reply to Office action of November 3, 2003

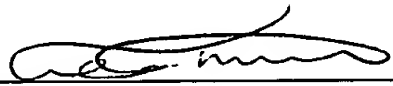
Again, Bala does not teach or suggest the above limitation. In fact, none of the cited references, alone or in combination teach or suggest the above limitation recited by independent claims 17 and 19. As a result, independent claims 17 and 19 are also patentable over cited references.

In short, the independent claims 8, 17, and 19 define a novel and unobvious invention over the cited references. Dependent claims 9-16, 18 and 20-22 are dependent from claims 7, 17 and 19, respective and therefore include all the limitations of their respective independent claims and additional limitations therein. Accordingly, these claims are also allowable over the cited references, as being dependent from allowable independent claims and for the additional limitations they include therein.

In view of the foregoing remarks, it is respectfully submitted that this application is now in condition for allowance, and accordingly, reconsideration and allowance are respectfully requested.

Respectfully submitted,
CHRISTIE, PARKER & HALE, LLP

By


Raymond R. Tabandeh
Reg. No. 43,945
626/795-9900

RRT/dlf

DLP PAS553106.1--03/3/04 10:54 AM